

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

U.S. COMMODITY FUTURES
TRADING COMMISSION,

Plaintiff,

v.

GILBERT PHILIP CASTILLO, JR.,
et al.,

Defendants.

NO. C06-2540 TEH

ORDER SETTING DEADLINE
TO FILE PROPOSED CONSENT
ORDER

The Court is in receipt of Mr. Antonio L. Cortés's motion to withdraw as counsel for Defendant Gilbert Philip Castillo, Jr. Prior to the motion's filing, the parties notified the Court on February 28, 2008, that they had settled this matter in principle; that the government's attorneys were reducing the agreement to writing; and that the parties had a good-faith belief that Plaintiff United States Commodity Futures Trading Commission would approve the agreement.


Because the agreement was reached at the conclusion of Mr. Castillo's deposition, there is no question that Mr. Castillo approved the agreement. The only outstanding issue is the formal approval of the agreement by the Commission. The laboring oar therefore falls on Plaintiff's counsel, and the work required by Mr. Cortés at this stage of the proceedings is minimal.

Consequently, the Court does not anticipate that Mr. Cortés's motion to withdraw will have any impact on the parties' intent to submit a proposed consent order for this Court's approval, especially since Mr. Cortés has not yet been relieved by this Court of his duties to represent Mr. Castillo. *See* Civ. L.R. 11-5(a) ("Counsel may not withdraw from an action *until relieved by order of Court* after written notice has been given reasonably in advance to the client and to all other parties who have appeared in the case." (emphasis added)). The

1 parties are HEREBY ORDERED to submit the proposed consent order on or before
2 **March 31, 2008.** If the government has been unable to obtain the Commission's formal
3 approval by that date, the parties shall, in the alternative, file a declaration stating that the
4 agreement has been reduced to writing, has been signed by Mr. Castillo, and will be
5 presented to the Commission for final approval by a date certain.

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7 **IT IS SO ORDERED.**

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9 Dated: 03/14/08



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT